

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO

March 11, 2008

Meeting

Vice-Chairman John Berbach called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: John Berbach, Bryan Blake, Robert Horrocks, and Mark Springer.

Others in attendance: City Planner/Zoning Administrator Matt Spring, and Board Secretary Marilyn Fennell. Those signing the guest register included Mike Droesch, Kim Halsey, Pam Fischer, and Joe Bagi. Nancy Bowman of the *Dayton Daily News* was also in attendance.

Motion to excuse
Board Member

Mr. Blake **moved to excuse Mr. McFarland's** absence. Mr. Springer seconded the motion. Motion carried 4-0.

Approval of Minutes
February 12, 2008
Meeting

Mr. Springer **moved to approve the minutes of the February 12, 2008 meeting as presented.** Mr. Blake seconded the motion. Motion carried 4-0.

**Items not on the
Agenda**

There were no comments on items not on the agenda.

NEW BUSINESS
Deadline Dates

Vice-Chairman Berbach announced that the next regularly scheduled Planning Board meeting would be held Tuesday, April 8, 2008. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on March 17, 2008 and temporary sign requests for display over 30 days must be submitted by 5:00 p.m. on April 2, 2008.

Ace Hardware, 910 W.
Main St., IL 2024, (PC
zoning)- Temporary
Use

Mr. Spring said the applicant is requesting a temporary use permit to display 1-2 pallets of seasonal merchandise between the entrance and exit doors of Ace Hardware, 910 W. Main Street. It does require Planning Board approval and the display is limited to no longer than 100 days. Over the past number of years, similar requests have been approved for this location and there have been no complaints received.

Mr. Spring said staff recommended approval with the following conditions:

1. The pallets shall be displayed according to the approved site plan provided by the applicant.
2. The seasonal merchandise shall not be displayed for not more than 100 days; or
3. The applicant shall seek Planning Board approval for any outdoor display of seasonal merchandise beyond June 11, 2008.

Mr. Springer **moved to approve the temporary use for Ace Hardware, 910 W. Main Street with the conditions listed in the staff report.** Mr. Horrocks seconded the motion and the motion passed unanimously.

St. John the Baptist
Catholic Church, 753

Mr. Spring stated St. John the Baptist Catholic Church was requesting a temporary use permit for a 3-day Community Festival to be

S. Hyatt St., Inlot 2247
(R-1B zoning)-
Temporary Use permit

located on the church grounds at 753 S. Hyatt Street. The proposed dates for the festival are June 27-June 29, 2008, with the hours of 5pm-11 on Friday and Saturday and 1pm-6pm on Sunday.

He continued that Code 154.060(A) indicates that:
Temporary uses shall be permitted in applicable zone districts by the grant of an occupancy permit issued by the Planning Board in accordance with the requirements of this section and Code 154.060(C)(1)(d) allows the proposed non-profit festival as: Events of public interest shall be permitted in any district. Such events may include but are not limited to outdoor concerts, theater, auctions, and non-profit organization sponsored festivals.

Mr. Spring said the proposed festival would consist of the following:

- Six to eight amusement rides consisting of such items as a Ferris Wheel, Big Slide, Carousel, and other various Children and/or Thrill type rides. The rides will be provided by Kissel Brothers, an Ohio mobile amusement company that serves fairs, festivals and community events throughout Ohio and Northern Kentucky.
- Food sales
- A kids games area
- A separate tent for gambling and beer sales.
- A flea market
- A stage with a live band

It will be located in the southern half of the \pm 10 acre parcel. The area utilized will include the southern (side) off-street parking area and a portion of the southern (rear) off-street parking area as well as the grassy landscaped areas. The applicants have proposed the utilization of 870 linear feet of orange construction fence about the southern and western perimeter of the property to enclose the festival. The fencing will be 4 feet in height and removed at the conclusion of the festival.

The applicant will locate a temporary dumpster at the south central portion of the off-street parking area for refuse collection during the festival. This dumpster will be removed at the conclusion of the festival. The Kissel Brothers amusement company will utilize 5-7 fifth wheel motor homes which will be parked in the grass west of the western off-street parking area. These vehicles will arrive approximately Monday June 23rd, 2008 for equipment set-up and inspection and depart shortly after the conclusion of the festival on June 30th, 2008.

Utilization of the southern and a portion of the rear off-street parking area for the festival will leave approximately 76 standard spaces and 4 handicapped accessible spaces for patron parking. The applicant has indicated that if attendance warrants, and weather permits the church will also allow additional parking in the grass adjacent to the parking area.

Mr. Spring said staff recommends approval of the Temporary Use permit with the following conditions:

1. The Temporary Use shall only be valid only June 27, 2008 through June 29, 2008 with the hours of operation noted in this staff report.

- This approval also allows for the amusement company to arrive and begin set-up 6/23/08 and tear-down and depart by 6/30/08.
2. The applicant shall obtain approval from the Tipp City Fire Chief prior to the erection of the any tents regarding fire safety regulations.
 3. Serving of alcoholic beverages shall not be permitted without a permit from the Ohio Liquor Commission.
 4. The sale of food products shall not occur without prior approval from the Miami County Health District and/or the State of Ohio as required.
 5. All signage for the event shall comply with the Tipp City Sign Code and will require a separate Zoning Compliance Sign Permit, subject to approval.
 6. All amplified stage sound equipment shall be discontinued by 10pm each evening.
 7. All temporary structures (fencing, tents, dumpsters, portable toilets, etc.) must be removed by July 4, 2008.

Mr. Springer asked if there have been any complaints received from any of the adjoining neighbors. Mr. Spring said none had been received in his office. Mrs. Fennell knew of no complaints. Mr. Horrocks verified the hours of the festival. Mrs. Fischer said the hours were correct.

Mr. Blake **moved to approve the temporary use permit for St. John's Catholic Church, 753 S. Hyatt Street for their festival June 27 thru June 29, 2008 with the conditions listed in the staff report.** Mr. Horrocks seconded the motion. Motion passed 4-0.

Set Public Hearing

Date- City of Tipp City,
Pt IL 2625 & Pt IL 2627
(I-1 zoning)- Northgate
Commerce Center
Section 2 & 3-Final
Plat

Bruns Industrial Park,
Tipp-Cowlesville &
Berry- Logan
Dr./Performance Ave-
(I-1 zoning)- Pre-App
Sketch & Set Public
Hearing

Mr. Spring said staff recommended a public hearing date of April 8, 2008 for the consideration of this Final Plat.

Mr. Berbach **moved to set the public hearing date for April 8, 2008.** Mr. Springer seconded the motion. Motion passed 4-0.

Mr. Spring stated the applicant wishes to table this request until the engineer can complete a study on the capacity of the lift-station that they are proposing. They have requested it be tabled until the April 8, 2008 meeting.

Mr. Blake asked if he could ask some questions now. Mr. Spring said he would answer questions but did not think it was appropriate to delve too deeply into the matter. Mr. Blake said his question was that it appears that they wish to put in a cul-de-sac rather than extend the road to Donn Davis Way. Mr. Spring said it was the recommendation of the Thoroughfare Plan that it be a thru road.

Mr. Blake **moved to table the requests until the April 8, 2008 meeting at the request of the applicant.** Mr. Berbach seconded the motion. Motion carried 4-0.

Old Business

There was no Old Business to discuss.

Miscellaneous

City Council Reports:
February 19, 2008

Mr. Springer noted that Inlots 4050 and 4051 rezoning request was given a first reading.

March 3, 2008

Mr. Berbach reported that he had not been able to attend the meeting but he did have the Council results. The Lee rezoning was given a first reading. There was also a motion to approve an annexation and service agreement with the Ginghamburg United Methodist Church for the Main Campus. This was approved. Mr. Blake asked if that property is contiguous to the City. Mr. Spring said there is a small portion that is contiguous.

Board member
comments

Mr. Springer said he would not be able to attend the pre-meeting workshop before Council meeting on March 17 and asked what the subject was. Mr. Spring said it was the sign code. Mr. Spring added that new case law and developments have made it necessary to review the City's sign code. The meeting will begin at 5:00pm on Monday. Mr. Springer asked that any information that can be forwarded to do so. Mr. Spring said he would do so. Mr. Berbach said he would also be out of town that evening.

Mr. Horrocks asked the impetus on starting discussion on the sign code. Mr. Spring said that over the last 12 months there have been several issues regarding the wording of our code and the Law Director has indicated there has been some case law the City needs to be cognizant of.

Mr. Horrocks referred to an earlier e-mail that he received from Lee Enterprises regarding the W. Broadway property parking lot. Mr. Blake said they indicated that would be doing some of the work now and then some later. He also asked if the Northgate final plat is at the request of the City or the owner. Mr. Spring said it was a result of the grant that the City received to put in the street. Mr. Horrocks asked about construction on the west side of Donn Davis Way. Mr. Spring said it simply storage of materials from the Menard's site with the owner's permission. Mr. Horrocks complimented the City on a good job of the snow removal this past weekend.

Mr. Blake wished to echo Mr. Horrocks comment on the snow removal.

Adjournment

There being no further business for discussion, Mr. Springer **moved that the meeting be adjourned.** Mr. Horrocks seconded the motion. Vice-Chairman Berbach declared the meeting adjourned at 7:47 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary